

ENTERED

October 24, 2024

Nathan Ochsner, Clerk

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In re:

Galleria West Loop Investments, LLC	§	
Debtor.	§	Case No. 24-32143
	§	Chapter 11
	§	

Galleria West Loop Investments, LLC	§	
Plaintiff(s)	§	
	§	
v.	§	Adversary No. 24-03119
	§	
Veritex Community Bank, et al	§	
Defendant(s)	§	

JOINT STIPULATION AND AGREED ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff Ronald J. Sommers, chapter 7 trustee for the bankruptcy estate of Galleria West Loop Investments, LLC (the “Trustee”) and Defendant Veritex Community Bank, (“Veritex,” and together with the Trustee, the “Parties”) file this Joint Stipulation and Agreed Order of Dismissal with Prejudice (this “Stipulation and Order”) pursuant to Federal Rule of Civil Procedures 41(a)(1)(A)(ii) made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7041.

WHEREAS, on May 6, 2024, an involuntary bankruptcy petition against Galleria West Loop Investments, LLC (the “Debtor”) was filed commencing the above-captioned bankruptcy case (the “Bankruptcy Case”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Bankruptcy Court”).

WHEREAS, on June 4, 2024, the Debtor filed an Original Petition, Application for Temporary Restraining Order, Temporary and Permanent Injunction in Cause No. 2024-34908 pending in the 165th Judicial District Court of Harris County, Texas.

WHEREAS, Veritex removed the proceeding to the Bankruptcy Court that same day as Adversary Proceeding No. 24-03119, styled *Galleria West Loop Investments, LLC v. Veritex Community Bank, et al.* (the “Adversary Proceeding”).

WHEREAS, on July 5, 2024, Veritex filed its Answer, Affirmative Defenses, and Counterclaims in the Adversary Proceeding [Docket No. 5 in Adv. Proc. No. 24-03119].

WHEREAS, on June 26, 2024, the Bankruptcy Court entered an Order for Relief and converted the Bankruptcy Case to Chapter 7 of the Bankruptcy Code. The Trustee is the duly appointed and acting chapter 7 trustee of the Debtor’s bankruptcy estate.

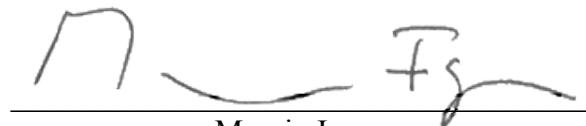
WHEREAS, pursuant to the terms of the Settlement Agreement [Docket No. 123-1 in Case No. 24-32143] (the “Settlement Agreement”) approved by the Bankruptcy Court’s Order Granting Trustee’s Motion to Compromise Controversy Under Bankruptcy Rule 9019 with Veritex Community Bank [Docket No. 137 in Case No. 24-32143], the Parties now jointly request that the Bankruptcy Court dismiss the Adversary Proceeding as set forth herein.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL AND ENTRY BY THIS COURT OF THIS STIPULATION AND ORDER, IT IS SO ORDERED AS FOLLOWS:

1. The above recitals are incorporated by reference herein.
2. The Bankruptcy Court has jurisdiction over this Adversary Proceeding pursuant to 28 U.S.C. § 1334.
3. The Adversary Proceeding and all claims, counterclaims, and causes of action asserted in the Adversary Proceeding are hereby dismissed with prejudice; *provided, however*, that this Stipulation and Order does not in any way prejudice or otherwise affect the claims of Veritex asserted in Proof of Claim No. 9 and Proof of Claim No. 13 filed in the Bankruptcy Case, which claims are expressly preserved under the Settlement Agreement.

4. Each of the Parties shall bear his, her or its own attorneys' fees, costs and expenses in connection with this Adversary Proceeding.¹

Signed: October 24, 2024



Marvin Isgur
United States Bankruptcy Judge

¹ For the avoidance of doubt, however, this Stipulation and Order does not preclude Veritex from seeking to recover and recovering such fees, costs, and expenses from any party other than the Debtor.

Dated: October 23, 2024

Respectfully submitted,

McCLOSKEY ROBERSON WOOLLEY, PLLC

By: /s/ *Thomas A. Woolley, III*

Timothy M. McCloskey
SBOT: 13417650
Thomas A. Woolley, III
SBOT: 24042193
Carissa N. Brewster
SBOT: 24122933
190 TC Jester Blvd., Suite 400
Houston, TX 77007
713-337-3900
713-337-3915 (fax)
tmccloskey@mrwpllc.com
rwoolley@mrwpllc.com
cbrewster@mrwpllc.com

Special Litigation Counsel for Chapter 7 Trustee

- and -

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ *Kyle Woodard*

Joseph M. Coleman
State Bar No. 04566100
Kyle Woodard
State Bar No. 24102661
901 Main Street, Suite 5200
Dallas, Texas 75202
Telephone: (214) 777-4200
Telecopier: (214) 777-4299
Email: jcoleman@krcl.com
Email: kwoodard@krcl.com

Counsel for Veritex Community Bank